FILED

2017 JUN -7 PM 2: 11

CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIS
CLEVELAND

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

JOHN EDWARD MEDVED,) CASE NO. 1:17 CV 1028
Plaintiff,) JUDGE DONALD C. NUGENT
V.)) <u>MEMORANDUM OF OPINION</u>
U.S. ATTORNEY, N.D. OHIO, et al.,) AND ORDER
Defendants.)

On May 16, 2017, Plaintiff *pro se* John Edward Medved filed this action against Defendants U.S. Attorney for the Northern District of Ohio and the U.S. Attorney General. The Complaint alleges that there were "shenanigans" in connection with his prosecution for bank robbery and resulting convictions in N.D. Ohio Case No. 76 CR 45. He attaches letters and affidavits in support of his claim that his convictions violated due process.

Principles requiring generous construction of *pro se* pleadings are not without limits. Beaudett v. City of Hampton, 775 F.2d 1274, 1277 (4th Cir. 1985). Given the most liberal construction, the Complaint does not contain allegations remotely suggesting Plaintiff might have a valid federal claim. Prosecutors are absolutely immune from liability for actions taken within the scope of their official duties. Imbler v. Pachtman, 424 U.S. 409 (1976). Further, Plaintiff may not raise claims in a civil rights action if a judgment on the merits of those claims would affect the validity of his conviction or sentence, unless the conviction or sentence has been set aside. See Edwards v. Balisok, 520 U.S. 641, 646 (1997); Heck v. Humphrey, 512 U.S. 477, 486 (1994). There is no indication Plaintiff's conviction has been set aside.

Accordingly, this case is dismissed. *See, Apple v. Glenn*, 183 F.3d 477 (6th Cir. 1999); see also, Hagans v. Lavine, 415 U.S. 528, 536-37 (1974)(citing numerous Supreme Court cases for the proposition that attenuated or unsubstantial claims divest the district court of jurisdiction); In re Bendectin Litig., 857 F.2d 290, 300 (6th Cir.1988)(recognizing that federal question jurisdiction is divested by unsubstantial claims).

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

DONALD C. NUGENT

UNITED STATES DISTRICT JUDGE